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March 4, 2020

By ECF

Hon. Cathy Seibel
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

Application granted. Defendant's time to file a notice of appeal is extended to 3/17/20.

SO ORDERED.

Re: United States v. Richard Lockett
13 Cr 880-20 (CS)


CATHY SEIBEL, U.S.D.J.

Dear Judge Seibel:

I write requesting that the Court grant an extension of time for Mr. Lockett to file a Notice of Appeal in connection with his plea and sentencing to a Violation of Supervised Release ("VOSR").

3/4/20

I write requesting an extension of time to file a Notice of Appeal to March 17, 2020. I have spoken with AUSA James Ligtenberg and the Government consents to this request.

Pursuant to Federal Rule of Appellate Procedure 4(b)(4):

"Upon a finding of excusable neglect or good cause, the district court may – before or after time [to file a Notice of Appeal] has expired, with or without motion and notice – extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by this Rule 4(b)."

The time to file a Notice of Appeal pursuant to Rule 4(b) is within 14 days of after the entry of the judgment of conviction. Mr. Lockett pleaded guilty to violating Specification 8 of the VOSR on January 30, 2020 and the amended judgment of conviction was entered on February 3, 2020. The 14 day deadline to file a Notice of Appeal expired on February 17, 2020.

Mr. Lockett is incarcerated in the Orange County Jail. After the Court entered the

Amended Judgment on February 3, 2020, I mailed him a copy of the Judgment. Based upon my prior conversations with him, I did not visit him thereafter to discuss whether he wished to appeal the Court's Judgment.

On February 24, 2020, I received a telephone call from Mr. Lockett's wife who informed me that he wanted to appeal. Since the time to file a notice had already expired and since I did not understand what he wanted to appeal, I asked her to have him call me. I told her that, in my opinion, there was no basis to appeal the sentence. On February 28, 2020 at approximately 6:11 p.m., I received a copy of a letter dated February 25, 2020, attached hereto as Exhibit A, in which Mr. Lockett wrote the Court expressing a desire to appeal the sentence. I was out of March 2-3, 2020.

Given the difficulty in communicating with Mr. Lockett and given his desire to appeal the Court's sentence, I submit that there is both "excusable neglect" and "good cause" to extend the time for counsel to file a notice of appeal on his behalf.

I respectfully request that the Court grant this motion.

Respectfully submitted,



Daniel S. Parker

cc: AUSA J. Ligtenberg
(By email)

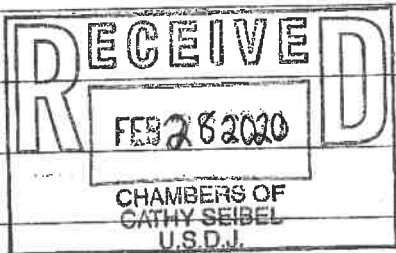
EXHIBIT A

Judge Cathy Seibel,

2-25-20

My name is Richard Lockett, and I was recently sentenced by you on January 30, 2020 to 12 months. I wanted to appeal my sentencing. My lawyer, Daniel Parker, said I can not appeal my sentencing but I believe I can. If this is possible I would like to appeal the decision. Thank you for your time.

Sincerely,
Richard Lockett



Subscribed and sworn to before me

this 25 day of February 2020

A handwritten signature in dark ink, appearing to read "Vincent J. Czubak".

Notary Public

VINCENT J. CZUBAK
Notary Public, State of New York
No. 01CZ6102072
Qualified in Sullivan County
Commission Expires November 24, 2023